

ORDINANCE 05- 02

AN ORDINANCE TO AMEND SECTION 30-435(E) (GROUND COVERS) OF THE MARCO ISLAND CODE OF ORDINANCES, PROHIBITING CERTAIN MATERIALS TO BE USED AS GROUND COVERS; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, City staff has been requested to draft an amendment to the Code of Ordinances relating to prohibit the use of certain materials as ground covers; and

WHEREAS, following a public hearing, the Planning Board has considered the recommendation of staff and the public input and has recommended by a vote of 6 to 1 that the provisions of the Code of Ordinances pertaining to ground covers be amended; and

WHEREAS, after considering the recommendation of the Planning Board and the City Staff and following a public hearing on the subject, the City Council has determined it is in the best interest of the City of Marco Island to approve the text amendment to the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida that:

Section 1. Section 30-435(e) entitled "Ground Covers" is hereby amended as follows (with underlining indicating new text additions and strikeout indicating deletions):

Section 30-435. Plant Material and Installation Standards.

- (e) Ground covers. Prior to the issuance of a certificate of occupancy for any single-family residence, multifamily, commercial, or institutional Development, ground coverings, as described below, shall be installed. Artificial turf or similar synthetic turf materials are expressly prohibited as ground covers.

Section 2. It is the intention of the City Council and it is hereby ordained that the provisions of the Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

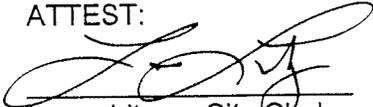
Section 3. All sections or parts of sections of the Code and Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. In the event this Ordinance conflicts with any other Ordinance of the City of Marco Island or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

Section 5. The ordinance shall become effective immediately upon adoption.

Passed and adopted at Second Reading and Public Hearing in Open and Regular Session of the City Council of the City of Marco Island, Florida, this 21st day of March, 2005.

ATTEST:



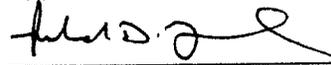
Laura Litzan, City Clerk

CITY OF MARCO ISLAND

By: 

Vickie Kelber, Chairwoman

Approved as to form and legal sufficiency:



Richard D. Yovanovich
City Attorney